

THE HON'BL SRI JUSTICE P.KESHAHA RAO

WRIT PETITION No.2665 of 2016

O R D E R:

Heard the learned counsel for the petitioners as well as learned standing counsel appearing for the 5th respondent-Grampanchayat.

The prayer in the writ petition is as under:

“Petitioners herein pray that this Hon’ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not releasing the pension to the pensioners from 2.8.2014 to till today and also further action of the 4th respondent in not granting pensions to the petitioners 8 to 11 from the date of submission of their applications as illegal, arbitrary, violative of principles of natural justice and also violative of G.O.Ms.No.135, Panchayat Raj and Rural Development (RDI) Department, dated 7-09-2014 and Articles 14, 21, 41 and 300-A of the Constitution of India and consequently direct the respondents to release the pensions in favour of the petitioners 1 to 7 from 2.8.2014 and to the petitioners 8 to 11 from September, 2015, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

The petitioners are residents of Gosulaveedu village of Kanigiri Mandal, Prakasam District. They are white ration card holders and identified as low income persons. The Government granted old age pension to the petitioners 1 to 7 from 28.4.2009 to 2.8.2014 as they are eligible for grant of pension, as per law. However, the Government all of a sudden stopped payment of

pension without issuing any notice to the petitioners from 2.8.2014 onwards. They have submitted representations to the Mandal Parishad Development Officer at the time of JANMABHOOMI MA VOORU programme conducted in the month of October, 2014, but there is no response. As far as petitioners 8 to 11 are concerned, they are also eligible for grant of pension and they have submitted applications seeking pension to the P.D. D.R.D.A. Ongole, in Praja Darbar conducted in the months of August and September, 2015. In-fact, they are eligible for pension in terms of G.O.Ms.No.135 Panchayat Raj and Rural Development (R.D.I) Department, dated 17.9.2014 where under the Government has committed to secure dignified life to all the poor and vulnerable, particularly, the old and infirm to support their minimum needs to bring happiness in their lives. However, their applications are not being considered and they were not being paid any pension. The 5th respondent is under legal obligation being a member convenor of Mandal Pensions Committee to consider the representations of the petitioners. Since there is no response from the respondents, the present writ petition is filed.

Learned standing counsel appearing for the 5th respondent-Grampanchayat, on instructions, would that the applications of the petitioners will be considered in terms of G.O.Ms.No.135 Panchayat Raj and Rural Development (RD.I) dated 17.9.2014, if the petitioners are otherwise eligible.

Taking into consideration the submissions made by the learned standing counsel for the 5th respondent-Grampanchayat and looking into the averments made in the affidavit filed in

support of the writ petition, this Court hereby direct the 5th respondent to consider the applications of the petitioners in terms of G.O.Ms.No.135 Panchayat Raj and Rural Development (RD.I) dated 17.9.2014 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above said directions, the Writ Petition is disposed of.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. No order as to costs.



JUSTICE P.KESHA RAO

Date: 27/04/2018

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